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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/982,753	10/22/2001	Keith A. Bentley	36488-169993	8711

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EXAMINER

FLEURANTIN, JEAN B

ART UNIT	PAPER NUMBER
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2162

DATE MAILED: 03/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/982,753	BENTLEY ET AL.	
	Examiner	Art Unit	
	JEAN B. FLEURANTIN	2162	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,4,6-16 and 21-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,4,8-16 and 21-24 is/are rejected.
- 7) ☒ Claim(s) 6 and 7 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Response to Amendment

1. This is in response to Applicant(s) arguments filed on 12/08/05.
 - i.) Claims 2 and 5 have been canceled.
 - ii.) Claims 1, 3, 4, 6-16 and 21-24 remain pending for examination.

Response to Applicant' Remarks

2. Applicant's arguments filed 12/08/05, with respect to claims 1, 3, 4, 6-16 and 21-24 have been fully considered but they are not persuasive for the following reasons, see sections A and B.

Claim Rejections - 35 USC § 103

- A. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3, 4, 8-14, 16 and 21-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,339,247 issued to Kiriara et al., ("kiriara") and Applicant(s) Admitted Prior Art ("AAPA"); Specification pages 2-6 up to paragraph [0013].

As per claim 1, Kiriara discloses "a computer-implemented method wherein the physical-file-based data includes a physical file having a plurality of file elements" (i.e., parts construction table contains a parts number field and a physical path name field; see Fig. 10, col. 7, lines 10-20), the method comprising the steps of:

(a) "representing physical file-based data as a plurality of individual components, each individual component having a unique identity and identifier (i.e., identifiers to uniquely identify the parts are made correspond to each other; see col. 2, lines 29-37); and

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(b) "storing said individual components in a store" (i.e., stored into the distributed parts file of each client; see col. 4, lines 26-30), "wherein all of said individual components corresponding to one file of said file-based data in a single store" (i.e., parts construction file has a shape information table in which the shape name and the parts shape database name (logical file name of a file in which the parts shape information is stored) are made correspond to each other; see col. 5, lines 45-49), and "said single store contains no individual components of a different physical file of said physical-file-based data" (i.e. the physical path names corresponding to the shape names are stored in the parts information table; col. 6, lines 8-10). Kiriara fails to explicitly disclose managing physical-file-based data adapted to be manipulated by at least one user via a file-based computerized editor; and wherein said individual components are adapted to be manipulated by a transaction-based computerized editor; and recreating equivalent file-based data for use within an environment of a file-based computerized editor from said individual components in said store. However, AAPA discloses traditional file-oriented programs are very efficient viewing and editing tools and are well known by many users (see AAPA page 4, paragraph [0009]) and various products have been developed to transcend the file-oriented model, allowing traditional tools to be applied at editing stage (see AAPA page 5, paragraph [0011]. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teachings of Kiriara with managing physical-file-based data adapted to be manipulated by at least one user via a file-based computerized editor; and wherein said individual components are adapted to be manipulated by a transaction-based computerized editor; and recreating equivalent file-based data for use within an environment of a file-based computerized editor from said individual components in said store as disclosed by AAPA (see AAPA page 4, paragraph [0009]). Such a modification would allow the teachings of Kiriara to provide a management tool for tracking and managing multiple simultaneous changes to a project data set in a cohesive (see AAPA page 1, paragraph [0002]).

As per claim 3, Kiriara further discloses "retrieving said components using a client comprising a private store" (see col. 5, lines 54-60), and "a run-time agent, wherein said run-time agent looks up a store's server, connects with said store's server, requests said components from said server, and stores a

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version of said components in said private store" (see col. 5, lines 51-61), and also see col. 6, lines 46-55, and the abstract.

As per claim 4, Kiriara further discloses "providing access to said retrieved components to external applications through said run-time agent" (see col. 3, lines 40-46).

As per claim 8, Kiriara discloses "wherein step (a) includes defining and storing a schema for said plurality of components, said schema being a set of classes that captures all of the information in said file-based data" (see col. 7, lines 10-20).

As per claim 9, Kiriara discloses "(c) retrieving said schema whenever said components are retrieved from said store" (see col. 3, lines 51-57).

As per claim 10, Kiriara discloses "wherein said schema defines at least one of a class for each element type, and a plurality of classes for said file-based data" (see col. 7, lines 10-20).

As per claim 11, Kiriara discloses "wherein said schema is associated with a type of file selected from the group consisting of a DGN file, a DWG file and a STEP file" (i.e., distributed data CAD system relates to parts shape files in which parts shape information is stored are distributed; col. 3, lines 31-46).

As per claim 12, Kiriara discloses "wherein each component has (i) unique identifier, (ii) a set of fields, each field having a data type and a data value, and (iii) a program which interprets and modifies said fields" (i.e., table construction information table provides information regarding each individual part; see col. 4, lines 11-15), and "step (b) includes storing items (i)-(iii) for each component" (see col. 4, lines 26-30).

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As per claim 13, Kiriara discloses "wherein at least some of said components further have (iv) a list of other dependent components" (i.e., parts information table and construction information table dependent of each other; see col. 5, lines 2-3), and "step (b) further includes storing said list for such components" (see col. 4, lines 26-30).

As per claim 14, Kiriara discloses "wherein at least some of said components further have (IV) an access control value, and step (b) further includes storing said access control values for such components" (i.e., the identifier of the parts (control value) and the storing destinations of the construction information of those parts are also made correspond to each other, in which construction information can be also obtained (access, retrieve) from the identifiers of the parts without being aware of the location of the parts; see col. 2, lines 44-52).

As per claim 16, in addition to claims 1 and 15, Kiriara further discloses "(d) storing and saving a mapping between said tag for each tagged file element and its component identifier" (see col. 2, lines 29-43).

As per claim 21, Kiriara discloses "an apparatus, wherein the physical-file-based data includes a physical file having a plurality of file elements" (i.e., parts construction table contains a parts number field and a physical path name field; see Fig. 10, col. 7, lines 10-20), said apparatus comprising:

(a) "a translator that represents physical-file-based data as a plurality of individual components, each individual component having (i) a unique identifier (i.e., identifiers to uniquely identify the parts are made correspond to each other; see col. 2, lines 29-37), (ii) "a set of fields" (i.e., parts shape data is stored into a plurality of distributed files; see col. 6, lines 24-25), "each field having a data type and a data value" (i.e., parts information tables are the information (data type or value) provided for each part; see col. 4, lines 9-16), and (iii) "a program which interprets" (i.e., executing commands; see col. 5, lines 39-40) and

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(b) "a memory for storing said individual components in a store" (i.e., stored into the distributed parts file of each client; see col. 4, lines 26-30), "wherein all of said individual components corresponding to one file of said file-based data in a single store" (i.e., parts construction file has a shape information table in which the shape name and the parts shape database name (logical file name of a file in which the parts shape information is stored) are made correspond to each other; see col. 5, lines 45-49), and "said single store contains no individual components of a different physical file of said physical-file-based data" (i.e. the physical path names corresponding to the shape names are stored in the parts information table; col. 6, lines 8-10). Kiriara fails to explicitly disclose modifying said field; and managing physical-file-based data adapted to be manipulated by at least one user via a file-based computerized editor; and wherein said individual components are adapted to be manipulated by a transaction-based computerized editor; and recreating equivalent file-based data for use within an environment of a file-based computerized editor from said individual components in said store. However, AAPA discloses traditional file-oriented programs are very efficient viewing and editing tools and are well known by many users (see AAPA page 4, paragraph [0009]) and various products have been developed to transcend the file-oriented model, while still allowing traditional tools to be applied at editing stage (see AAPA page 5, paragraph [0011]. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teachings of Kiriara with AAPA with modifies said field; managing physical-file-based data adapted to be manipulated by at least one user via a file-based computerized editor; and wherein said individual components are adapted to be manipulated by a transaction-based computerized editor; and recreating equivalent file-based data for use within an environment of a file-based computerized editor from said individual components in said store. Such a modification would allow the teachings of Kiriara and AAPA to provide a management tool for tracking and managing multiple simultaneous changes to a project data set in a cohesive (see AAPA page 1, paragraph [0002]).

As per claim 22, Kiriara discloses "wherein at least some of said individual components further have (iv) a list of other dependent components, said memory further storing such lists" (i.e., parts shape

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files in which parts shape information is stored are distributed and a parts construction file in which parts construction information; col. 3, lines 31-46).

As per claim 23, Kiriara discloses "wherein at least some of said individual components further have (iv) an access control value, said memory further storing such values" (i.e., the identifier of the parts (control value) and the storing destinations of the construction information of those parts are also made correspond to each other, in which construction information can be also obtained (access, retrieve) from the identifiers of the parts without being aware of the location of the parts; see col. 2, lines 44-52).

As per claim 24, Kiriara discloses "wherein each element is represented by a component" (i.e., each element represents part shape; see col. 6, lines 29-30).

III.) Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,339,247 issued to Kiriara et al., ("kiriara") in view of Applicant(s) Admitted Prior Art ("AAPA"); Specification pages 2-6 up to paragraph [0013] as applied to claims 1, 3, 4, 8-14, 16 and 21-24 above, and further in view of U.S. Patent No. 4,714,992 issued to Gladney et al., ("Gladney").

As per claim 15, Kiriara substantially discloses the invention as claimed except wherein step (a) includes mapping at least some of said plurality of elements to respective single components. However, Gladney discloses a version management system and propagating source data changes in conjunction with a system for mapping from source data objects to responses (see Gladney col. 14, lines 20-28). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teachings of Kiriara and AAPA with includes mapping at least some of said plurality of elements to respective single components as disclosed by Gladney (see Gladney col. 14, lines 26-28). Such a modification would allow to the teachings of Kiriara to provide consistency of views (see Gladney col. 2, lines 44-45).

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iii.) Claims 6 and 7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

B. Applicants stated, page 11, paragraph 2 that "Claim 1 is amended to recite a computer-implemented method and include a step that manipulates data. In light of the Ex parte Lundgren decision, there is no "technological arts" test to patentability. Applicants therefore respectfully request that the rejection of claim 1 be withdrawn." Claim 1, as amended, recited limitations "wherein all of said individual . . . in said store" overcome the 35 U.S.C. 101 rejection(s). Therefore, the 101 rejection(s) of claim 1 and dependent claims 3, 4, 6-16 has (have) been withdrawn.

Applicants stated, page 12, paragraph 1, "The Action on page 5 admits that Kiriara fails to teach managing . . . editor." It is respectfully submitted The Action on page 5 stated that "Kiriara ***fails to explicitly disclose*** managing . . . editor." Thus, the arguments are moot.

In response to applicant's argument, pages 12 and 13, first, second and third Kiriara fails to teach "representing . . . in said store." It is respectfully submitted that Kiriara discloses "a computer-implemented method wherein the physical-file-based data includes a physical file having a plurality of file elements" (i.e., parts construction table contains a parts number field and a physical path name field; see Fig. 10, col. 7, lines 10-20), the method comprising the steps of:

(a) "representing physical file-based data as a plurality of individual components, each individual component having a unique identity and identifier (i.e., identifiers to uniquely identify the parts are made correspond to each other; see col. 2, lines 29-37); and

(b) "storing said individual components in a store" (i.e., stored into the distributed parts file of each client; see col. 4, lines 26-30), "wherein all of said individual components corresponding to one file of said file-based data in a single store" (i.e., parts construction file has a shape information table in which

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the shape name and the parts shape database name (logical file name of a file in which the parts shape information is stored) are made correspond to each other; see col. 5, lines 45-49), and "said single store contains no individual components of a different physical file of said physical-file-based data" (i.e. the physical path names corresponding to the shape names are stored in the parts information table; col. 6, lines 8-10). Kiriara fails to explicitly disclose managing physical-file-based data adapted to be manipulated by at least one user via a file-based computerized editor; and wherein said individual components are adapted to be manipulated by a transaction-based computerized editor; and recreating equivalent file-based data for use within an environment of a file-based computerized editor from said individual components in said store. However, AAPA discloses traditional file-oriented programs are very efficient viewing and editing tools and are well known by many users (see AAPA page 4, paragraph [0009]) and various products have been developed to transcend the file-oriented model, allowing traditional tools to be applied at editing stage (see AAPA page 5, paragraph [0011]). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teachings of Kiriara with managing physical-file-based data adapted to be manipulated by at least one user via a file-based computerized editor; and wherein said individual components are adapted to be manipulated by a transaction-based computerized editor; and recreating equivalent file-based data for use within an environment of a file-based computerized editor from said individual components in said store as disclosed by AAPA (see AAPA page 4, paragraph [0009]). Such a modification would allow the teachings of Kiriara to provide a management tool for tracking and managing multiple simultaneous changes to a project data set in a cohesive (see AAPA page 1, paragraph [0002]).

In response to applicant's argument, page 13, paragraphs 3 and 3, that AAPA fails to overcome the deficiencies of Kiriara, alone or in combination." The examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir.

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1992). In this case, Kiriara fails to explicitly disclose managing physical-file-based data adapted to be manipulated by at least one user via a file-based computerized editor; and wherein said individual components are adapted to be manipulated by a transaction-based computerized editor; and recreating equivalent file-based data for use within an environment of a file-based computerized editor from said individual components in said store. However, AAPA discloses traditional file-oriented programs are very efficient viewing and editing tools and are well known by many users (see AAPA page 4, paragraph [0009]) and various products have been developed to transcend the file-oriented model, allowing traditional tools to be applied at editing stage (see AAPA page 5, paragraph [0011]). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teachings of Kiriara with managing physical-file-based data adapted to be manipulated by at least one user via a file-based computerized editor; and wherein said individual components are adapted to be manipulated by a transaction-based computerized editor; and recreating equivalent file-based data for use within an environment of a file-based computerized editor from said individual components in said store as disclosed by AAPA (see AAPA page 4, paragraph [0009]). Such a modification would allow the teachings of Kiriara to provide a management tool for tracking and managing multiple simultaneous changes to a project data set in a cohesive (see AAPA page 1, paragraph [0002]).

In response to applicant's argument, page 13, paragraph 3, that "AAPA does not supplement Kiriara or teach or suggest the claimed invention." It must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

Furthermore, Kiriara discloses a system relates to a distributed and managed (stored parts) files (see col. 1, lines 5-21).

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MPEP 2111 During patent examination, the pending claims must be "given the broadest reasonable interpretation consistent with the specification" Applicant always has the opportunity to amend the claims during prosecution and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. In re Prater, 162 USPQ 541,550-51 (CCPA 1969). The court found that applicant was advocating ... the impermissible importation of subject matter from the specification into the claim. See also In re Morris, 127 F.3d 1048, 1054-55, 44 USPQ2d 1023, 1027-28 (Fed. Cir. 1997) (The court held that the PTO is not required, in the course of prosecution, to interpret claims in applications in the same manner as a court would interpret claims in an infringement suit. Rather, the "PTO applies to verbiage of the proposed claims the broadest reasonable meaning of the words in their ordinary usage as they would be understood by one of ordinary skill in the art, taking into account whatever enlightenment by way of definition or otherwise that may be afforded by the written description contained in application's specification.").

The broadest reasonable interpretation of the claims must also be consistent with the interpretation that those skilled in the art would reach. In re Cortright, 165 F.3d 1353, 1359, 49 USPQ2d 1464, 1468 (Fed. Cir. 1999).

For the above reasons, it is believed that the last Office Action was proper.

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Conclusion

3. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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CONTACT INFORMATION

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to JEAN B. FLEURANTIN whose telephone number is 571-272-4035. The examiner can normally be reached on 7:05 to 4:35.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JOHN E BREENE can be reached on 571-272-4107. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jean Bolte Fleurantin
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March 04, 2006


SHAHID ALAM
PRIMARY EXAMINER